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February 18, 2022

Honorable Sidney H. Stein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

CONSENT Motion for Schedule Change

RE: United States v. Lessage Jean Baptiste, 15 Cr. 854 (SHS)

Your Honor:

I am writing to respectfully once again request a modification of the schedule last ordered by the Court on January 19, 2922. I apologize for again seeking further time to resolve how my client wishes to proceed with the sentencing in this matter, and I also apologize for this letter being several days late.

I am requesting that the joint letter, due January 5, 2022, by the government and myself stating whether we will be requesting a “Fatico” hearing in this matter be postponed until March 21, 2022. As I previously reported, I have had significant problems setting up a conference with my client (who is at the MDC) by video or telephone [I am at high-risk for covid complications, so I was attempting to avoid in-person visiting, which was mostly suspended anyway in January]. I finally got a video visit with my client, but the audio quality was so poor that we could not adequately discuss the case. I will now make an in-person visit to MDC, but I am starting a trial with Judge Ramos on March 2, 2022, and it may be difficult to make a visit and resolve the question about how my client wishes to proceed until after that trial is over, which I anticipate to be two weeks after it starts. Meanwhile we just received the 3500 material for a potential 44 witnesses, and although most will probably not be testifying at the trial, I am somewhat overwhelmed by the pressures of that preparation as well as getting the other pending matters on my calendar out of the way for the trial.

I will do my best to see my client before the trial with Judge Ramos begins, and if I can comply with the directive to inform the Court of how we wish to proceed before the requested date I will do so.

I have discussed this with AUSA Jason Swergold, who is handling this matter on behalf of the government, and he has no objection to this request.

I thank the Court for Your Honor's consideration of this application. Again, I really apologize for the lack of resolution of the question of how we will proceed, and the fact that I did not get this letter to Your Honor on or before Wednesday.

Sincerely,

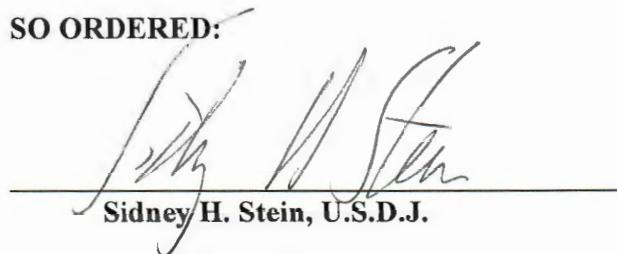
/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Defendant

cc: AUSA Jason Swergold, by ECF

The request for an extension of time to file the joint letter until March 21, 2022, is granted.

Dated: New York, New York
February 18, 2022

SO ORDERED:



Sidney H. Stein, U.S.D.J.